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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,838	12/24/2003	W. Dale Hollingsworth	2219.0190004	1124

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EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/743,838	Applicant(s) HOLLINGSWORTH, W. DALE	
	Examiner Tri M. Mai	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-69 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 30-69 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/07/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. It is noted that per applicant's admission, all claims are readable on Fig. 14. The election of species is considered in place in case applicant introduces claims readable on other species.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the width and the height in claim 38 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 30-39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. US6390297.

Although the conflicting claims are not identical, they are not patentably distinct from each other

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because it would have been obvious to one of ordinary skill in the art to provide to provide the handle as set forth in the claims in view of claims 1-23 of US6390297.

4. Claims 30-39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. US6499187.

Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to provide to provide the handle as set forth in the claims in view of claims 1-20 of US6499187.

5. Claims 30-39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. US6687955.

Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to provide to provide the handle as set forth in the claims in view of claims 1-20 of US6687955.

6. Claims 36, 38, 40, 48, 58, and 66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are two first portions; it is unclear whether one of the first portion is intended.

Regarding claim 38, "the direction of said ends" has no antecedent basis. It is unclear whether these claims readable on the elected species. It seems that these claims readable on Fig.

8. Please confirm.

Regarding claim 40, "sleeve formations" has no antecedent basis.

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7. Claim 30-31, 33-34, 36-38, 40-42, 44-45, 47, 49, 50, 61-63, and 65-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell (1658174). Russell teaches an enclosure, a first segment (14, 19), and a second segment (lower portion 15 and including 16).

Regarding claim 33, the lower portion 15 has a plurality of portions, including straight portions as claimed.

Regarding claim 38, note the tapering downward in height toward portions 15 and 20 in Fig. 4, and note the tapering of the width toward the two ends in Fig. 3.

Regarding claim 40, portions 16 and 21 of the second portions are mounted in the sleeve formation.

Regarding claim 44, note the first segment comprise a plurality of segments including straight segments, and the second portion comprise arcuate segments as claimed.

8. Claim 32, 43, 51-54, and 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Schneider (2589438). It would have been obvious to one of ordinary skill in the art to provide to provide the zipper in Russell as taught by Schneider to provide an alternative fastening means.

9. Claim 35, 46, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Erhard (3115229). It would have been obvious to one of ordinary skill in the art to provide to provide the engagement with top surfaces joining to the inner surface forming lips in Russell as taught by Erhard to provide an alternative way for mating the handles.

10. Claim 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Schneider, and further in view Erhard (3115229). It would have been obvious to one of ordinary skill in the art to provide to provide the engagement with top surfaces joining to the

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inner surface forming lips in Russell as taught by Erhard to provide an alternative way for mating the handles.

11. Claims 38, 40, 48, 58, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell over Massard (6338180). It would have been obvious to one of ordinary skill in the art to provide the mating engagement with the protuberance formed by convexly curved and tapers in height and with in Russell as taught by Massard to provide an alternative way for mating the handle.

12. Claims 30-31, 33-36, 39-42, 45-46, 49-50, 61-65, and 68-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Simson (3944033). Simson teaches an enclosure, a first segment (26, 40), and a second segment (lower portion 28, 30, 42, 44).

Regarding claim 33, the lower portion of the second portions has a plurality of portions, including straight portions as claimed (at least along the edge).

Regarding claim 40, portions 36 and 50 of the second portions are mounted in the sleeve formation.

Regarding claim 44, note the first segment comprise a plurality of segments including straight segments, and the second portion comprise arcuate segments as claimed.

13. Claim 32, 43, 51-53, 54-56, and 59-60, are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Schneider (2589438). It would have been obvious to one of ordinary skill in the art to provide to provide the zipper in Russell as taught by Schneider to provide an alternative fastening means.

14. Claims 30-36, 39, 40-43, 45-46, 49-56, 59-65, and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of Simson. Schneider teaches handle with a

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first portion (21) and second portions (22). Schneider meets all claimed limitations except for the mating of the first portions. It would have been obvious to one of ordinary skill in the art to provide to provide the mating of the first portions in Schneider as taught by Simson to keep the handle together.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (571)272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

